UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

ALEJANDRO MONTIJO, JR., and JOSEPH BANUELOS, JR. Plaintiffs.

SCREENING ORDER

ORDER FINDING SERVICE OF

v.

COMPLAINT APPROPRIATE AND FORWARDING SERVICE **DOCUMENTS TO PLAINTIFFS**

Case No. 1:20-cv-00125-DAD-EPG

STEVEN R. HRDLICKA,

(ECF No. 1)

Defendant.

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Plaintiffs, Alejandro Montijo, Jr., and Joseph Banuelos, Jr., are proceeding in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiffs initiated this action on January 22, 2020, with the filing of a complaint (ECF No. 1.)

The Court has screened Plaintiffs' complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and finds that the complaint states a cognizable claim under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., and California Business & Professions Code § 17200. The Court also finds the complaint appropriate for service of process. Accordingly, it is HEREBY ORDERED that:

- 1. This case proceed on Plaintiffs' claims under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., and California Business & Professions Code § 17200.
- 2. Service is appropriate for the following defendant:
 - a. Steven R. Hrdlicka.

- 2. The Clerk of Court shall SEND Plaintiffs one (1) USM-285 form; one (1) summons; a Notice of Submission of Documents form; an instruction sheet; and one (1) copy of the complaint filed on January 22, 2020 (ECF No. 1);
 - 3. Within **thirty** (**30**) **days** from the date of service of this order, Plaintiffs shall complete the attached Notice of Submission of Documents and submit the completed Notice to the Court with the following documents:
 - a. A completed summons for Steven R. Hrdlicka;
 - b. A completed USM-285 form for Steven R. Hrdlicka; and
 - c. Two (2) copies of the complaint filed on January 22, 2020 (ECF No. 1).
 - 4. Plaintiffs need not attempt service on defendant Steven R. Hrdlicka and need not request waiver of service. Upon receipt of the above-described documents, the Court will direct the United States Marshals Service to serve defendant Steven R. Hrdlicka pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
 - 5. Alternatively, Plaintiffs may serve defendant Steven R. Hrdlicka themselves. If Plaintiffs choose this option, they shall notify the Court within **thirty** (30) **days** that they will be serving defendant Steven R. Hrdlicka with the assistance of their counsel.

IT IS SO ORDERED.

Dated: March 26, 2020

/s/ Encir P. Shoring
UNITED STATES MAGISTRATE JUDGE